In the High Court of Judicature at Madras

Dated:07.09.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM
and
The Hon'ble Mr. Justice S. MANIKUMAR

Writ Petition No.11198 of 1996
and WMP.No.15002 of 1996

N. Krishnamurthy .. Petitioner

vs.

1. The Collector of Chengai
   M.G.R. District at
   Kancheepuram.

2. The Commissioner
   Alandur Municipality. .. Respondents

Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus as stated therein.

For petitioner : Mr. L. Chandrakumar
For respondents : Mrs. D. Geetha
Addl.Govt. Pleader for R.1
Mr. N. Subbaravel for R.2

ORDER

(Order of the Court was made by P. SATHASIVAM,J.)

The petitioner by name N. Krishnamurthy has filed this Public Interest Litigation, seeking to issue a writ of mandamus forbearing the respondents from in any manner allowing any parties to put up any construction in Survey No.32/Part ear-marked as Kulam Porambokku of Nanganallur Village, Alandur Municipality except for public purposes .

2. The Commissioner, Alandur Municipality, second respondent herein has filed a counter affidavit, among the information furnished therein, the statement made in para 6 are relevant, which reads as under.

> "6. I submit that the land in S.No.32 is classified as Kulam Puramboke. The Alandur Municipally have taken Development Program under Mega City Scheme to construct shopping complex and other development program. The Municipality had sent Alienation

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

proposal in Roc.No.11026/95/F2 dated 13.11.95 to the Collector of Chengai District, Kanchipuram for the above purpose. The matter is under consideration by the Revenue Department. Meanwhile, the Assistant Settlement Officer, Thiruvannamalai in his order No.Roc.A3/789/96 dated 26.2.96 have changed the patta, and classification of the land in S.No.37 Part and S.No.32 Part in favour of Private persons. This 2nmd respondent had objected to it and sent objection letter to the Commissioner of Land Administration, Chepauk, Madras-5 vide Roc.No.6547/96/F1 dated 17.7.96. If the land is allotted to the private persons the development programs of this Municipality will be affected. Further, the change of patta and classification have been done without Municipal Council resolution. The 2nd respondent submits that the land in S.No.32 is vested with the Revenue Department. If the classification of land was changed and patta in favour of private persons were issued then the public interest will be lost and to take development program will be delayed. Hence, the respondents had taken necessary steps to develop the kulam poramboke under the scheme and removed the encroachment. "

3. In view of the apprehension / grievance raised by the Commissioner, we are of the view that it is for the first respondent / Collector, Chengalpet District at Kancheepuram to consider and pass appropriate orders. It is made clear that if the land in question, viz., Survey No.32 part ear-marked as kulam poramboke is still available as kulam poramboke, it is for the Collector to maintain the same for the benefit of the villagers in and around. If there is any violation or change of patta, it is for him to take appropriate action in accordance with law, after affording opportunity to the persons concerned.

With the above observation, this petition is disposed of. No costs. Consequently, connected WMP., is closed.

WEB COPY

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

kh

https://hcservices.ecourts.gov.in/hcservices/

To

1. The Collector of Chengai
   M.G.R. District at
   Kancheepuram.

2. The Commissioner
   Alandur Municipality.

1 cc To Mr.L.Chandrakumar, Advocate, SR.41399.
1 cc To The Government Pleader, SR.41776.

W.P.No.11198 of 1996

PV(CO)
RVL 19.09.2006

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/